**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ESIGNATURE SOFTWARE, LLC,	)	
Plaintiff,	)	
	)	**Civil Action No. 6:21-cv-01327**
v.	)	
	)	
ADOBE, INC.,	)	**JURY TRIAL DEMANDED**
Defendant.	)	

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Esignature Software, LLC ("Esignature") files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,065,527 ("the '527 patent") (referred to as the "Patent-in-Suit") by Adobe, Inc. ("Adobe").

I. THE PARTIES

1. Plaintiff Esignature, LLC is a Nevada Limited Liability Company with its principal place of business located in Las Vegas, Nevada.

2. On information and belief, Adobe is a corporation organized under the laws of the State of Delaware with an office at 11501 Domain Drive, Suite 110 Austin, TX 78758. On information and belief, ADOBE sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. ADOBE can be served with process through their registered agent, Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, TX, 78701-3218 or wherever they may be found.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.
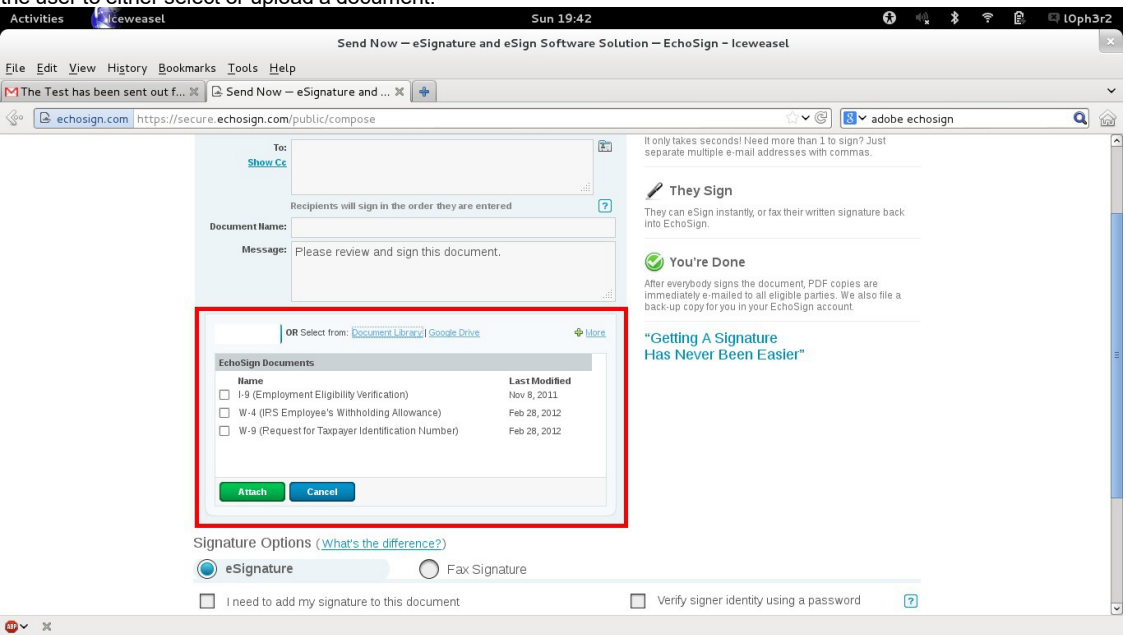
III.   INFRINGEMENT

A. Infringement of the '527 Patent

6. On November 22, 2011, U.S. Patent No. 8,065,527 ("the '527 patent," attached as Exhibit A) entitled "SYSTEM AND METHOD FOR EMBEDDING A WRITTEN SIGNATURE INTO A SECURE ELECTRONIC DOCUMENT," was duly and legally issued by the U.S. Patent and Trademark Office. Esignature, LLC owns the '527 patent by assignment.

7. The '527 patent relates to a novel and improved manner and system of embedding a signature into a secure electronic document.
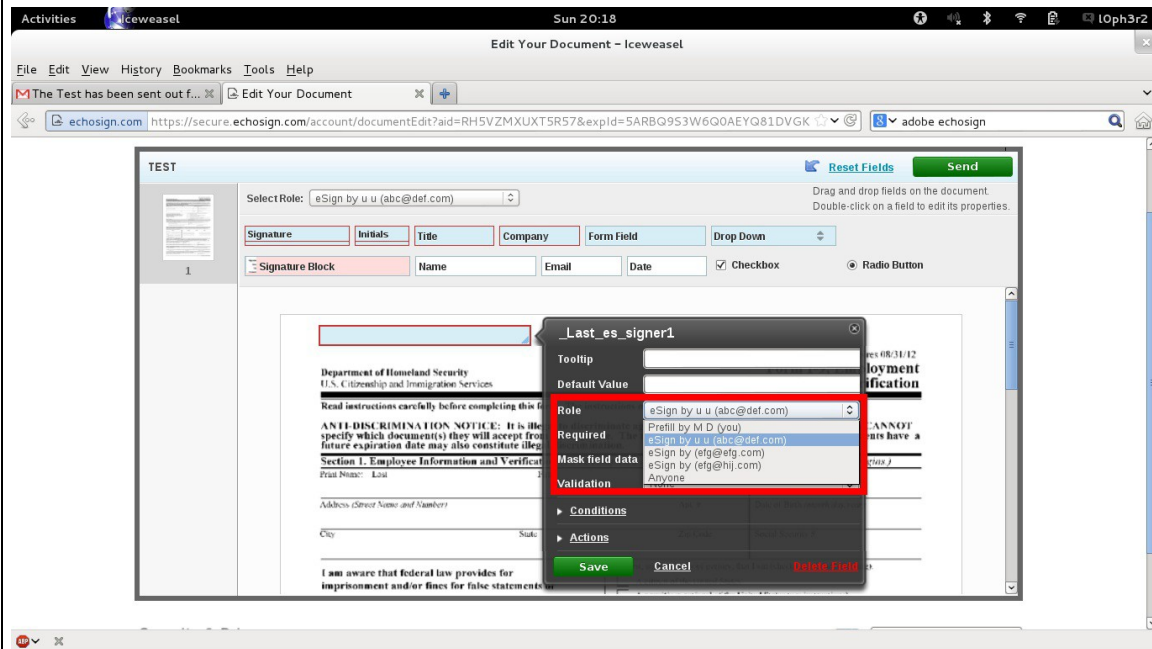
8. ADOBE offers for sale, sells and manufactures one or more software products that infringes one or more claims of the '527 patent, including one or more of claims 1-26, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '527 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the following preliminary table:

1. A method for embedding a written signature into a secure electronic document, comprising:	Adobe Echosign provides a method for embedding written signatures into secure electronic documents.
1a. forming a placeholder electronic document containing content to be attested to by a signature;	Adobe Echosign forms a placeholder electronic document containing content to be attested to by a signature, by requesting the user to either select or upload a document.

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1b. selecting a signing individual from a signer list;	Adobe Echosign allows selecting a signing individual from a signer list via a drop-down list.
1c. placing a signature tag into the placeholder electronic document at a selected signature location, wherein the signature tag is associated with the signing individual and defines the signature location within the placeholder electronic document for the signing individual to sign;	Adobe Echosign allows placing various tags including signature tags into the placeholder electronic document at selected signature locations. Signature tag is associated with the signing individual within the placeholder electronic document for the signing individual to sign.

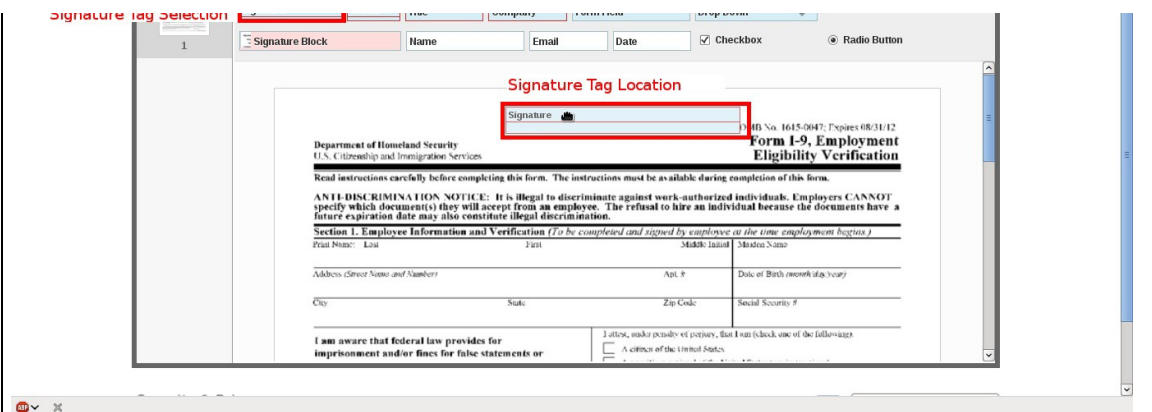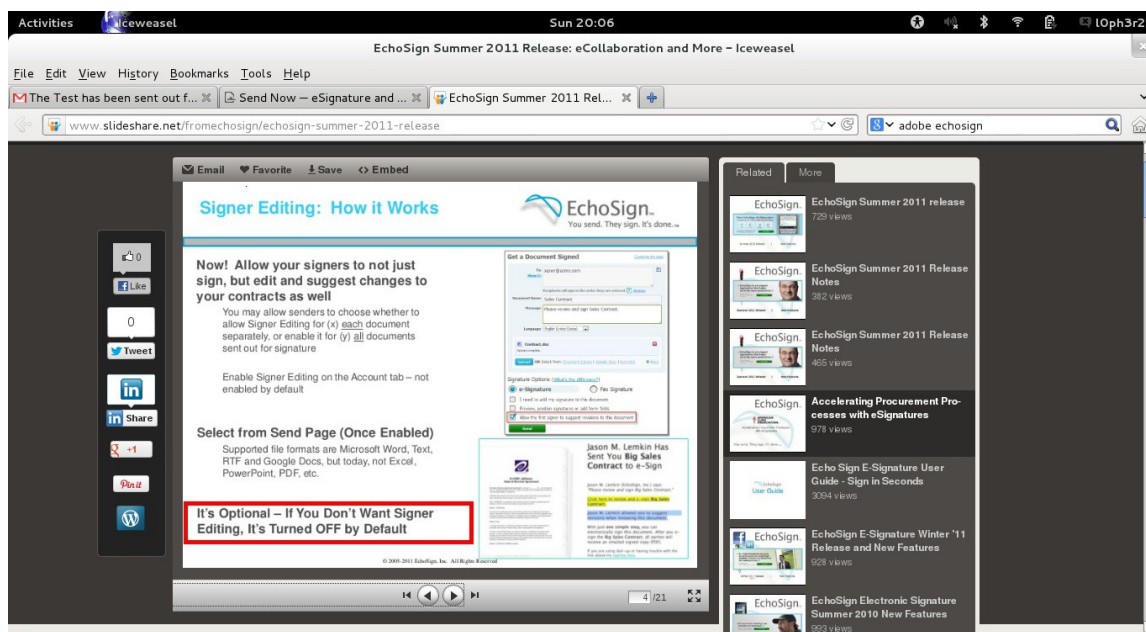|	
1d. securing the placeholder electronic document to form the secure electronic document having content configured to be uneditable;	By default, Adobe Echosign secures the placeholder document to form the secure electronic document having content configured to be uneditable. This setting can be overridden by choosing the option to allow others to make changes to the placeholder document.
1e. sizing an unsigned signature bounding box on a signature capture device based on a type of the signature tag at the signature location, wherein the signature bounding box is displayed independently of a display of the secure electronic document; and	Adobe Echosign allows sizing an unsigned bounding box on a signature capture device based on a type of the signature tag at the signature location. The signature bounding box is displayed independently of a display of the secure electronic document.
1f. capturing a signature with the signature capture device within the signature bounding box as the signature is	Adobe Echosign captures a signature with a signature capture device within the signature bounding box as the signature is written by the signing individual.

written by the signing individual, the signature capture device being configured to enable the signing individual to write the signature to be embedded into the secure electronic document at the signature location indicated by the signature tag to mimic a real world experience of signing paper documents.

Adobe Echosign supports the use of mouse or a stylus as a signature capture device. This signature capture device is configured to enable the signing individual to write the signature to be embedded into the secure electronic document at the signature location indicated by the signature tag to mimic a real world experience of signing paper documents.

2. A method as in claim 1, further comprising placing a signature tag, wherein the type of the signature tag is one of a full signature tag, a notary tag and an initial tag.	Adobe Echosign allows placing a signature tag, wherein the type of the signature tag is one of a full signature tag, an initial tag and an optional signature tag.

🔒 https://echosign.my.salesforce.com/sfc/p/300000006laDjo1UIMbwIXEO3NXGb5gnOZZDp74

Basic EchoSign Field Types

A variety of field types can be created in a document using specific directives within Text Tags. EchoSign will interpret the tags and convert them to the appropriate form fields during the signature process. All the field types that can be added to a document through the EchoSign Web UI can also be specified through Text Tags.

Signature and Initials Fields

You may position EchoSign signature or initials fields at specific locations within the document by adding a directive to designate the type of the signature field. By default, signature and initials fields are mandatory. However, some documents require that the signer optionally initial or sign at specific additional locations within the document. Optional signature or initials fields can also be defined within a document using Text Tags.

Note: *EchoSign requires that a document contain at least one signature within the document for each signer of the document. Approvers of a document are not required to have a signature field on the document during the signature process.*

_es_:sender:signature	A required signature field assigned to the sender.
_es_:signer1:initials	A required initials field assigned to the first signer.
_es_:signer2:optsignature	An optional signature field assigned to the second signer.
_es_:signer1:optinitials	An optional initials field assigned to the first signer.

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9. A method as in claim 1, further comprising configuring the secure electronic document such that the embedded signature can be saved in the secure electronic document.	Adobe Echosign configures the secure electronic document such that the embedded signature can be saved in the secure electronic document.

www.adobe.com/content/dam/Adobe/en/products/acrobat/pdfs/adobe-acrobat-xi-esign-pdf-file-tutorial-ue.pdf

to place the signature.

6. To permanently merge the signature into the PDF, save the file. Click Confirm to finalize the changes. Type a name for your file. Click Save.

7. You are presented with an option to send the signed document to others with Adobe EchoSign. To continue, click Upload and see step 6 of *Get others to sign a PDF file with Acrobat XI*. If do not want to use the Adobe EchoSign service, click Not Now.
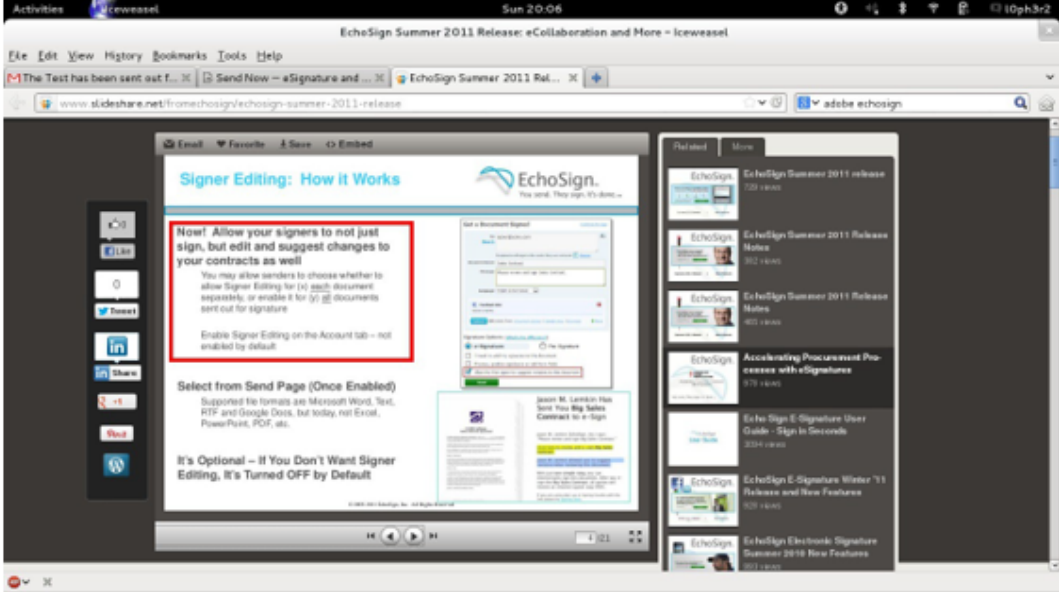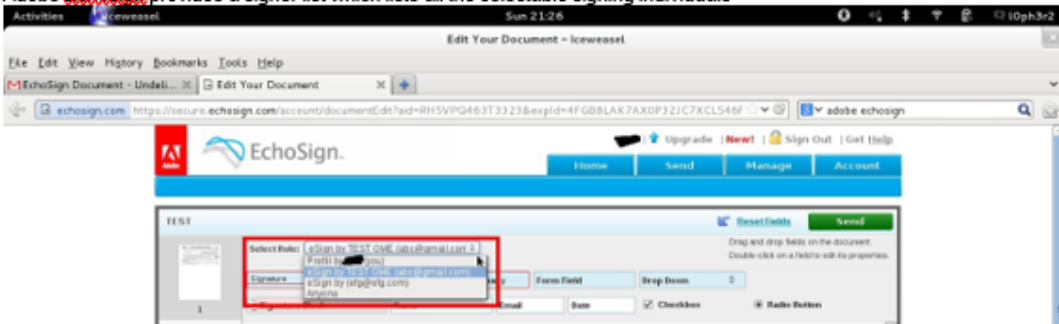
11. A method as in claim 2, wherein capturing a signature further comprises capturing initials from the signing individual at a selected location indicated by the initial tag.	Since an initial tag is required but not optional, hence, capturing a signature further comprises capturing initials from the signing individual at a selected location indicated by the initial tag.

🔒 https://echosign.my.salesforce.com/sfc/p/300000006laDjo1UIMbwIXEO3NXGb5gnOZZDp74

Note: *EchoSign requires that a document contain at least one signature within the document for each signer of the document. Approvers of a document are not required to have a signature field on the document during the signature process.*
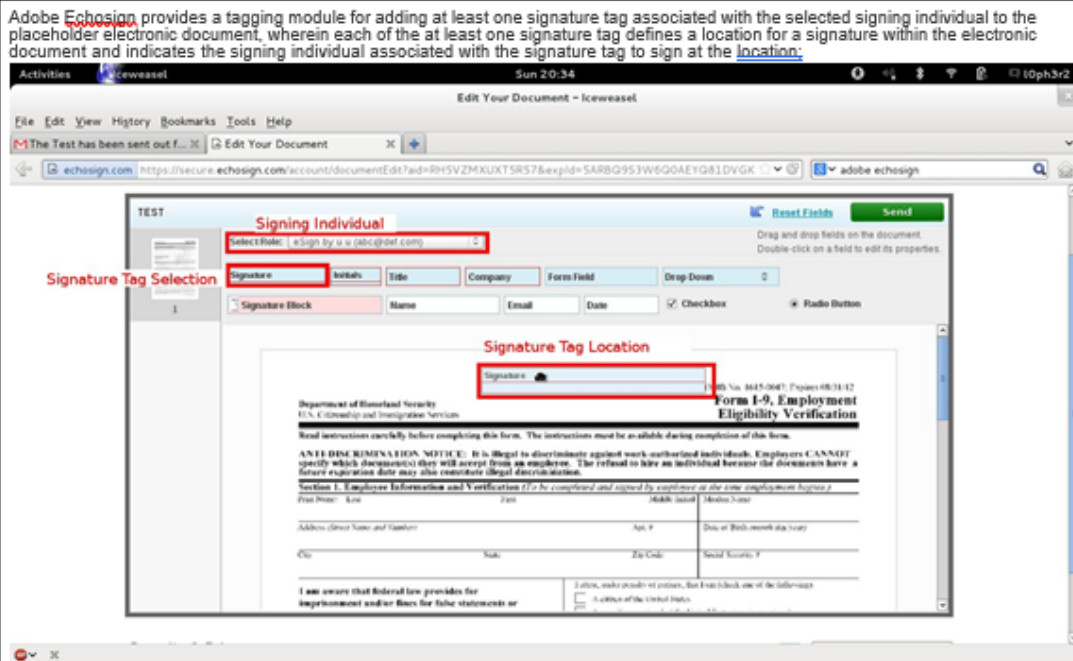
_es_:sender:signature	A required signature field assigned to the sender.
_es_:signer1:initials	A required initials field assigned to the first signer.
_es_:signer2:optsignature	An optional signature field assigned to the second signer.
_es_:signer1:optinitials	An optional initials field assigned to the first signer.

12. A system for embedding a written signature into a secure electronic document, comprising:	Adobe Echosign provides a system for embedding a written signature into a secure electronic document, comprising:
12a. an editing module configured to edit content in a placeholder electronic document, wherein the content is to be attested to by a signature;	Adobe Echosign allows editing content in a placeholder electronic document, wherein the content is to be attested to by a signature.
12b. a signer list module comprising a list of selectable signing individuals;	Adobe Echosign provides a signer list which lists all the selectable signing individuals

12c. a tagging module for adding at least one signature tag associated with the selected signing individual to the placeholder electronic document, wherein each of the at least one signature tag defines a location for a signature within the electronic document and indicates the signing individual associated with the signature tag to sign at the location;	Adobe Echosign provides a tagging module for adding at least one signature tag associated with the selected signing individual to the placeholder electronic document, wherein each of the at least one signature tag defines a location for a signature within the electronic document and indicates the signing individual associated with the signature tag to sign at the location:
12d. a secure document creation module for securing the content in the placeholder electronic document to form a secure electronic document containing content configured to be uneditable;	Adobe Echosign has a secure document creation module which secures the contents in the placeholder electronic document to form a secure electronic document with content configured to be uneditable by default.
12e. a secure document signer module to enable the secure electronic document to be viewed and to accept written signatures from the signing individuals at the signature tag location;	Adobe Echosign has a secure document signer module to enable the secure electronic document to be viewed and to accept written signatures from the signing.
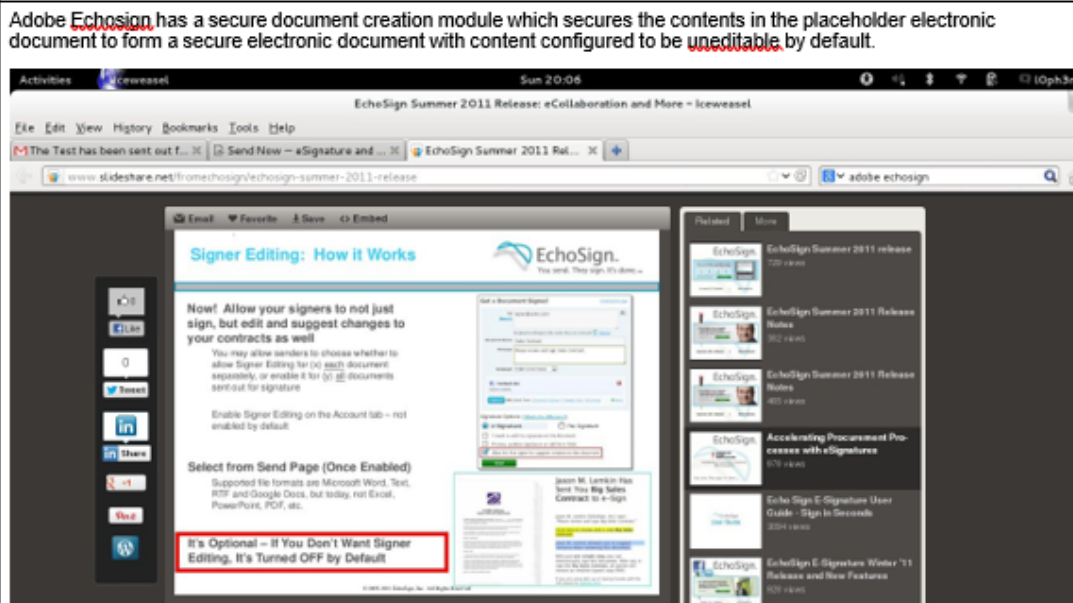
9
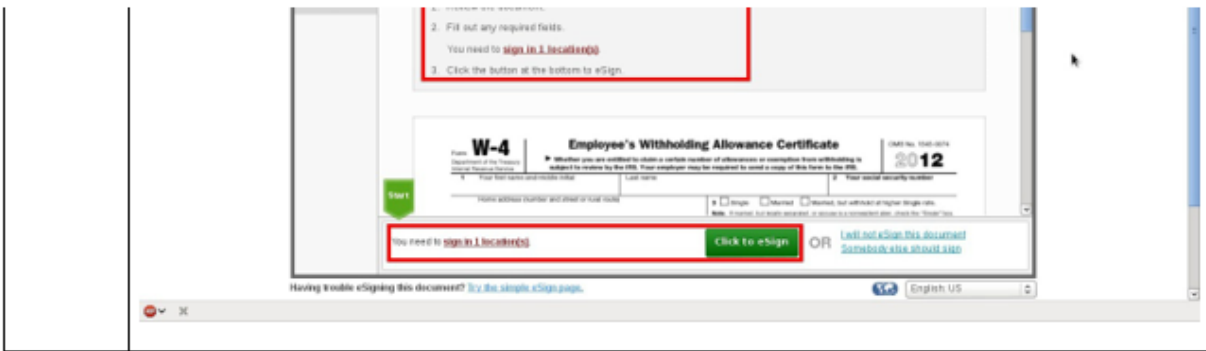
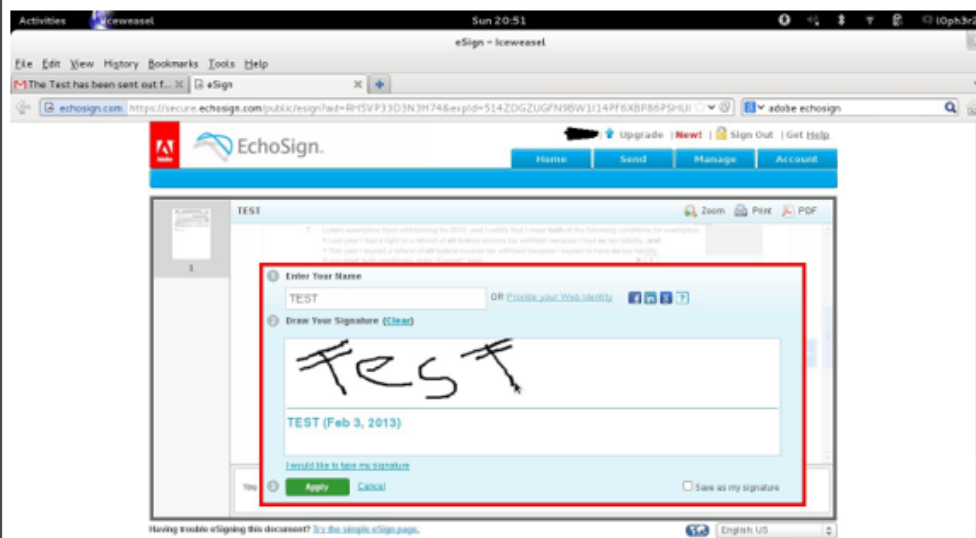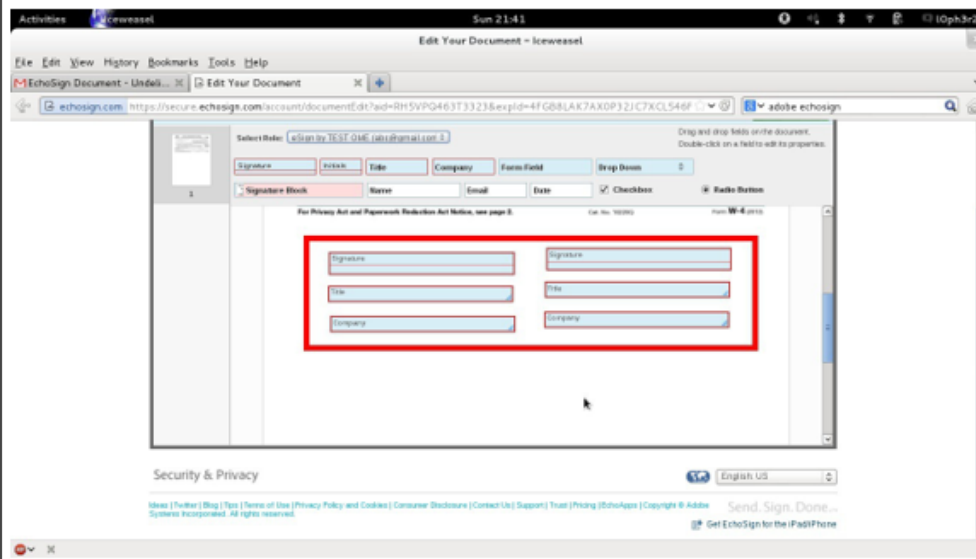| 12f. a signature capture device configured to enable the signing individual to write a signature at a transaction time for each of the at least one signature tag associated with the signing individual and further configured to size an unsigned signature bounding box based on a type of the signature tag at the location, wherein the signature bounding box is displayed independently of a display of the secure electronic document; and | Adobe Echosign allows the signing individual to write a signature at a transaction time for each of the at least one signature tag associated with the signing individual.

It is further configured to size an unsigned signature bounding box based on a type of the signature tag at the location, wherein the signature bounding box is displayed independently of a display of the secure electronic document.

 |

12g. a signature capture module configured to electronically embed the signature of the signing individual from bounds of the the signature bounding box on the	Adobe Echosign embeds the signature of the signing individual from bounds of the signature bounding box on the signature capture device into the secure electronic document at a location of each of the at least one signature tag associated with the signing individual

| signature capture device into the secure electronic document at a location of each of the at least one signature tag associated with the signing individual.	
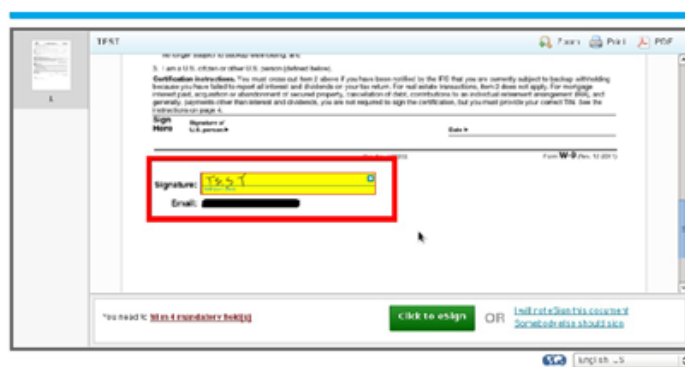
20. A system as in claim 12, further comprising an automatic scrolling module configured to automatically scroll from a first signature tag related to a signing individual to a next signature tag related to the signing individual after the signing individual's signature is embedded at a location of the first signature tag in the secure electronic document.	Adobe Echosign has an auto scrolling module configured to enable the signer to press the next button or tab, shift+tab to automatically get from the first signature tag related to the signing individual to the next signature tag related to the signing individual after the signing individual's signature is embedded at a location of the first signature tag in the secure electronic document.

22. A system as in claim 12, further comprising a tag navigation module configured to enable the signing individual to review before signing signature tags related to the signing individual present in the secure electronic document by selecting one of a next and a previous button.	Adobe Echosign has a tag navigation module configured to enable the signing individual to review before signing signature tags related to the signing individual present in the secure electronic document by selecting the next button or using tab, tab + shift, keyboard combinations.
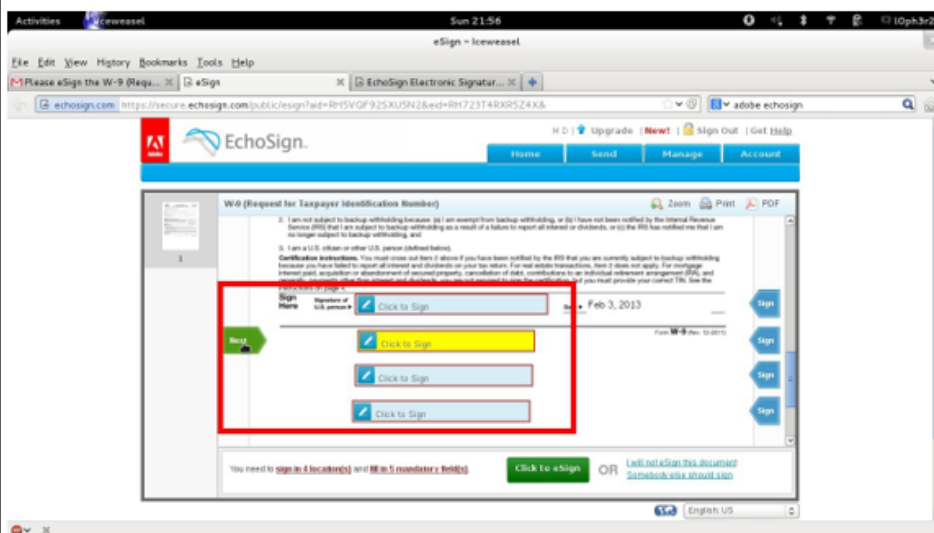
These allegations of infringement are preliminary and are therefore subject to change.

10. ADOBE has and continues to induce infringement. ADOBE has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., software products and systems) and related services that provide question and answer services across the Internet such as to cause infringement of one or more of claims 1–27 of the '527 patent, literally or under the doctrine of equivalents. Moreover, ADOBE has known of the '527 patent and the technology underlying it from at least the date of the filing of the lawsuit.[1]

11. ADOBE has and continues to contributorily infringe. ADOBE has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., software products and systems) and related services that provide question and answer services across the Internet such as to cause infringement of one or more of claims 1–27 of the '527 patent, literally or under the doctrine of equivalents. Moreover, ADOBE has known of the '527 patent and the technology underlying it from at least the date of the filing of the lawsuit.[2]

12. ADOBE has caused and will continue to cause Esignature damage by direct and indirect infringement of (including inducing infringement of) the claims of the '527 patent.

IV.   JURY DEMAND

Esignature hereby requests a trial by jury on issues so triable by right.

V.   PRAYER FOR RELIEF

WHEREFORE, Esignature prays for relief as follows:

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[1] Esignature reserves the right to amend if an earlier knowledge date is discovered.
[2] Esignature reserves the right to amend if an earlier knowledge date is discovered.

a.   enter judgment that Defendant has infringed the claims of the Patent-in-Suit through selling, offering for sale, manufacturing, and inducing others to infringe by using and instructing to use software products that embed digital signatures into secure electronic documents;

b.   award Esignature damages in an amount sufficient to compensate it for Defendant's infringement of the Patent-in-Suit in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;

c.   award Esignature an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;

d.   declare this case to be "exceptional" under 35 U.S.C. § 285 and award Esignature its attorneys' fees, expenses, and costs incurred in this action;

e.   declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;

f.   a decree addressing future infringement that either (if) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patent-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and

g.   award Esignature such other and further relief as this Court deems just and proper.

Respectfully submitted,

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